

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD THOMAS,
Petitioner,

No. C 08-04068 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

J. WALTERS, Warden,
Respondent.

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed. Petitioner did not respond to the Clerk's notice.

On October 23, 2008, the Court issued an Order Directing Payment of Filing Fee or Filing of In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis application. The Court directed Petitioner to either pay the fee or return the completed application within thirty days or his action would be dismissed.

More than thirty days have passed and Petitioner has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case.

IT IS SO ORDERED.

DATED: 12/10/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

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7 JAMES EDWARD THOMAS,

Case Number: CV08-04068 SBA

8 Plaintiff,

CERTIFICATE OF SERVICE

9 v.

10 J WALTERS et al,

11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on December 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 James Edward Thomas F-21197
20 California State Prison - Sacramento/Folsom
P.O. Box 290066
Represa, CA 95670-0066

21 Dated: December 12, 2008

22 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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